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By: **Senator Pinsky**  
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Committee Report: Favorable with amendments  
Senate action: Adopted  
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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Pesticides - Education and Reporting - Pilot Program**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to  
4 develop a pilot program to educate State residents and health care workers  
5 about certain effects of pesticides; establishing the requirements of the pilot  
6 program; requiring the Department to develop a Pesticide Illness Reporting  
7 System for certain purposes; establishing an Advisory Council to assist the  
8 Department with certain programs; providing for the termination of the  
9 Advisory Council; requiring the Department to prepare and submit certain  
10 ~~annual reports~~ reports; providing that the pilot program is subject to the  
11 availability of certain funding and may not exceed a certain time period;  
12 defining a certain term; and generally relating to educating State residents and  
13 health care workers on the health risks associated with pesticides.

14 BY repealing and reenacting, with amendments,  
15 Article - Agriculture  
16 Section 5-101  
17 Annotated Code of Maryland  
18 (1999 Replacement Volume and 2000 Supplement)

19 BY adding to  
20 Article - Health - General  
21 Section 13-1601 through 13-1604, inclusive, to be under the new subtitle  
22 "Subtitle 15. Pesticides"  
23 Annotated Code of Maryland  
24 (2000 Replacement Volume)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Agriculture**

4 5-101.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) "Active ingredient" means:

7 (1) In the case of a pesticide other than a plant regulator, defoliant, or  
8 desiccant, an ingredient which prevents, destroys, repels, or mitigates insects,  
9 nematodes, fungi, rodents, weeds, bacteria, or other pests;

10 (2) In the case of a plant regulator, an ingredient which, through  
11 physiological action, accelerates or retards the rate of growth or rate of maturation or  
12 otherwise alters the behavior of ornamental or crop plants or their produce;

13 (3) In the case of a defoliant, an ingredient which causes the leaves or  
14 foliage to drop from a plant;

15 (4) In the case of a desiccant, an ingredient which artificially accelerates  
16 the drying of plant tissue.

17 (c) A pesticide is "adulterated" if (1) its strength or purity falls below the  
18 professed standard or quality expressed on the labeling under which it is sold, (2) any  
19 substance has been substituted wholly or partially for the article, or (3) any valuable  
20 constituent of the article has been wholly or partially abstracted.

21 (D) "ADULTICIDE" MEANS A PESTICIDE DESIGNATED TO KILL ADULT INSECTS  
22 BUT THAT MAY BE CAPABLE OF KILLING ALL LIFE STAGES OF INSECTS.

23 [(d)] (E) "Antidote" means the most practical immediate treatment in case of  
24 poisoning, including first aid treatment.

25 [(e)] (F) "Defoliant" means any substance or mixture of substances intended  
26 to cause leaves or foliage to drop from a plant, with or without causing abscission.

27 [(f)] (G) "Desiccant" means any substance or mixture of substances intended  
28 to accelerate artificially the drying of plant tissues.

29 [(g)] (H) "Distributor" means a person who imports, manufactures, produces,  
30 mixes, or consigns pesticides as part of a commercial enterprise.

31 [(h)] (I) "Fungi" means nonchlorophyll-bearing thallophytes, that is, all  
32 nonchlorophyll-bearing plants of an order lower than mosses and liverworts, such as,

1 rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in any living  
2 man or animal.

3 [(i)] (J) "Fungicide" means any substance or mixture of substances intended  
4 to prevent, destroy, repel, or mitigate any fungus.

5 [(j)] (K) "Herbicide" means any substance or mixture of substances intended  
6 to prevent, destroy, repel, or mitigate any weed.

7 [(k)] (L) "Inert ingredient" means an ingredient which is not an active  
8 ingredient.

9 [(l)] (M) "Ingredient statement" means:

10 (1) A statement of the name and percentage of each active ingredient,  
11 together with the total percentage of inert ingredients in the pesticide;

12 (2) A statement of the name of each active ingredient, together with the  
13 name of each and total percentage of any inert ingredient in the pesticide; or

14 (3) In the case of a pesticide containing arsenic in any form, a statement  
15 of the percentages of total and water soluble arsenic, each calculated as elemental  
16 arsenic, in addition to the requirements of paragraphs (1) and (2) of this subsection.  
17 Paragraph (1) of this subsection applies to any preparation declared highly toxic to  
18 humans, pursuant to § 5-104(b) of this subtitle.

19 [(m)] (N) "Insect" means any small invertebrate animal generally having a  
20 more or less obviously segmented body and, for the most part belonging to the class  
21 insecta, which is comprised of six-legged, usually winged forms, such as, beetles,  
22 bugs, bees, flies, and to other allied classes of arthropods whose members are wingless  
23 and usually have more than six legs, such as, spiders, mites, ticks, centipedes, and  
24 wood lice.

25 [(n)] (O) "Insecticide" means any substance or mixture of substances intended  
26 to prevent, destroy, repel, or mitigate any insects which may be present in any  
27 environment.

28 [(o)] (P) "Label" means the written, printed, or graphic matter on or attached  
29 to a pesticide, or its immediate container, and the outside container or wrapper of any  
30 retail package of a pesticide.

31 [(p)] (Q) "Labeling" means every label and other written, printed, or graphic  
32 matter (1) on any pesticide, its container, or wrapper; (2) accompanying the pesticide  
33 at any time; or (3) to which reference is made on the label or in literature  
34 accompanying the pesticide, except when an accurate, not misleading reference is  
35 made to any current official publication of any federal agency, State agency, or any  
36 agency of another state which is authorized by law to conduct pesticide research.

37 [(q)] (R) A pesticide is "misbranded" if:

1           (1)     Its labeling bears any statement, design, or graphic representation  
2 relative to the pesticide or its ingredients which is false or misleading in any  
3 particular;

4           (2)     It is an imitation of another pesticide or is offered for sale under the  
5 name of another pesticide;

6           (3)     Its labeling bears any reference to registration under this subtitle;

7           (4)     The labeling accompanying it does not contain instructions for use  
8 which are necessary and adequate if complied with, for the protection of the public  
9 and the environment;

10          (5)     The label does not contain a warning or caution statement which may  
11 be necessary and adequate if complied with, to prevent injury to living man and other  
12 vertebrate animals;

13          (6)     The label of the retail package does not bear an ingredient statement  
14 on the immediate container and on any outside container or retail package wrapper,  
15 through which the ingredient statement on the immediate container cannot be clearly  
16 read as presented or displayed under customary conditions of purchase;

17          (7)     Any word, statement, or other information required by this subtitle to  
18 appear on the labeling is not placed prominently and conspicuously, as compared with  
19 other words, statements, designs, or graphic matter in the labeling and in terms that  
20 render it likely to be read and understood by the ordinary individual under customary  
21 conditions of purchase and use;

22          (8)     In the case of an insecticide, fungicide, or herbicide, when used as  
23 directed or in accordance with commonly recognized practice, the pesticide is  
24 injurious to living man including any person applying it, other vertebrate animals, or  
25 vegetation, except weeds;

26          (9)     In the case of a plant regulator, defoliant, or desiccant when used as  
27 directed, the pesticide is injurious to living man including any person applying it,  
28 other vertebrate animals, or vegetation to which it is applied, except that physical or  
29 physiological effects on any plant, or part of it, is not deemed to be injury, when this  
30 is the purpose for which the plant regulator, defoliant, or desiccant is applied, in  
31 accordance with the label claims and recommendations.

32       [(r)]   (S)     "Nematicide" means any substance or mixture of substances intended  
33 to prevent, destroy, repel, or mitigate nematodes.

34       [(s)]   (T)     "Nematode" means any invertebrate animal of the phylum  
35 nemathelminthes and class nematoda, that is, an unsegmented round worm,  
36 commonly known as a nema or eelworm, with an elongated, fusiform or saclike body  
37 covered with cuticle, and which inhabits soil, water, plants, or plant parts.

38       [(t)]   (U)     "Pesticide" means (1) any substance or mixture of substances  
39 intended for preventing, destroying, repelling, or mitigating any insects, rodents,

1 fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in  
2 living humans or other animals, which the Secretary declares to be a pest; and (2) any  
3 substance or mixture of substances intended for use as a plant regulator, defoliant, or  
4 desiccant.

5 [(u)] (V) "Plant regulator" means any substance or mixture of substances,  
6 intended to accelerate or retard, through physiological action, the rate of growth or  
7 maturation, or to otherwise alter the behavior of ornamental or crop plants or their  
8 produce, but does not include any substance to the extent that it is intended as a  
9 plant nutrient, trace element, nutritional chemical, plant inoculant, or soil  
10 amendment.

11 [(v)] (W) "Registrant" means any person who registers any pesticide pursuant  
12 to the provisions of this subtitle.

13 [(w)] (X) "Rodenticide" means any substance or mixture of substances  
14 intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal  
15 which the Secretary declares to be a pest.

16 [(x)] (Y) "Weed" means any plant or plant part which grows where it is not  
17 wanted.

18 **Article - Health - General**

19 **SUBTITLE 15. PESTICIDES.**

20 13-1601.

21 (A) ON OR BEFORE ~~MARCH 1, 2002~~ DECEMBER 1, 2001, THE DEPARTMENT  
22 SHALL DEVELOP A PILOT PROGRAM TO EDUCATE RESIDENTS OF THE STATE ABOUT  
23 PESTICIDES AND ABOUT RISKS ASSOCIATED WITH PESTICIDES.

24 (B) THE PILOT PROGRAM SHALL:

25 (1) EDUCATE HEALTH CARE PROVIDERS IN THE STATE ABOUT THE  
26 POTENTIAL ADVERSE EFFECTS OF EXPOSURE TO PESTICIDES BY RESIDENTS OF THE  
27 STATE;

28 (2) MAKE AVAILABLE TO RESIDENTS OF THE STATE INFORMATION  
29 ABOUT HOW RESIDENTS CAN MINIMIZE THE RISK OF EXPOSURE TO PESTICIDES  
30 THAT CAN CAUSE ACUTE OR CHRONIC HEALTH EFFECTS;

31 (3) INFORM RESIDENTS OF THE STATE ABOUT THE USE OF  
32 ADULTICIDES BY STATE OR LOCAL AGENCIES THROUGH ALL LOCAL MEDIA:

33 (I) AT LEAST 2 DAYS BEFORE THE ADULTICIDES ARE USED FOR  
34 DETERMINED PUBLIC HEALTH PRIORITIES AND IMMEDIATELY FOR PUBLIC HEALTH  
35 EMERGENCY; AND

1 (II) AT THE BEGINNING OF MOSQUITO SEASON WHEN  
2 ADULTICIDES ARE USED FOR THE CONTROL OF MOSQUITOES; AND

3 (4) EDUCATE THE RESIDENTS OF THE STATE ABOUT THE RISKS OF  
4 ADVERSE HEALTH EFFECTS FROM EXPOSURE TO PESTICIDES USED BY STATE  
5 AGENCIES.

6 (C) THE DEPARTMENT SHALL COLLECT THE INFORMATION REQUIRED UNDER  
7 SUBSECTION (B)(4) OF THIS SECTION FROM OBJECTIVE SOURCES, INCLUDING:

8 (1) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;

9 (2) THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY; AND

10 (3) THE EXTENSION TOXICOLOGY NETWORK.

11 (D) THE DEPARTMENT SHALL MAKE THE INFORMATION COLLECTED UNDER  
12 SUBSECTION (C) OF THIS SECTION AVAILABLE TO THE PUBLIC:

13 (1) THROUGH THE INTERNET; AND

14 (2) THROUGH A TOLL FREE HOTLINE.

15 (E) THE DURATION OF THE PILOT PROGRAM MAY NOT EXCEED 1 YEAR AND IS  
16 SUBJECT TO THE AVAILABILITY OF FUNDING FROM THE UNITED STATES CENTERS  
17 FOR DISEASE CONTROL.

18 13-1602.

19 (A) (1) ON OR BEFORE ~~MARCH 1, 2002~~ DECEMBER 1, 2001, THE DEPARTMENT  
20 SHALL DEVELOP A PESTICIDE ILLNESS REPORTING SYSTEM.

21 (2) THE SYSTEM IS A SYSTEMATIC EFFORT TO COLLECT, SUMMARIZE,  
22 AND INTERPRET A STANDARD SET OF DATA DESCRIBING INCIDENTS OF PESTICIDE  
23 POISONING OR CONDITIONS AND DISEASES THAT A HEALTH CARE PROVIDER KNOWS  
24 OR REASONABLY BELIEVES TO BE CAUSED BY OR EXACERBATED BY EXPOSURE TO  
25 PESTICIDES.

26 (B) TO DEVELOP THE PESTICIDE ILLNESS REPORTING SYSTEM, THE  
27 DEPARTMENT:

28 (1) SHALL ESTABLISH SENTINEL MEDICAL CENTERS AROUND THE  
29 STATE REPRESENTING BOTH URBAN AND RURAL AREAS, INCLUDING MIGRANT FARM  
30 WORKER CLINICS; AND

31 (2) SHALL ADOPT REGULATIONS REQUIRING A HEALTH CARE PROVIDER  
32 ASSOCIATED WITH A MEDICAL CENTER ESTABLISHED IN PARAGRAPH (1) OF THIS  
33 SUBSECTION TO REPORT SUSPECTED AND CONFIRMED PESTICIDE-INDUCED  
34 HEALTH EFFECTS.

1 (C) THE PESTICIDE ILLNESS REPORTING SYSTEM SHALL BE DESIGNED TO  
2 ACCOMMODATE HEALTH CARE PROVIDERS WHO ARE NOT ASSOCIATED WITH ONE OF  
3 THE SENTINEL MEDICAL CENTERS BUT WHO VOLUNTARILY OPT INTO THE SYSTEM.

4 (D) THE DATA COLLECTED UNDER THIS SECTION SHALL BE USED TO:

5 (1) ESTIMATE THE PUBLIC HEALTH BURDEN POSED BY  
6 PESTICIDE-RELATED ILLNESS;

7 (2) PROVIDE A SYSTEMATIC TRIAGE OF PERSONS REPORTING  
8 SYMPTOMS SUGGESTIVE OF PESTICIDE-RELATED ILLNESS; AND

9 (3) PROVIDE AN APPROPRIATE PUBLIC HEALTH RESPONSE.

10 13-1603.

11 (A) THERE IS AN ADVISORY COUNCIL ON PESTICIDE INJURIES.

12 (B) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING SIX  
13 MEMBERS:

14 (1) THE ENVIRONMENTAL HEALTH DIRECTOR OF THE DEPARTMENT OF  
15 HEALTH AND MENTAL HYGIENE, OR THE DIRECTOR'S DESIGNEE;

16 (2) THE DIRECTOR OF THE PESTICIDE REGULATION SECTION OF THE  
17 MARYLAND DEPARTMENT OF AGRICULTURE, OR THE DIRECTOR'S DESIGNEE;

18 (3) THE STATE EPIDEMIOLOGIST, OR THE EPIDEMIOLOGIST'S DESIGNEE;  
19 AND

20 (4) THE FOLLOWING THREE MEMBERS, APPOINTED BY THE GOVERNOR:

21 (I) A REPRESENTATIVE OF THE MARYLAND PESTICIDE NETWORK;

22 (II) A PHYSICIAN FROM THE JOHNS HOPKINS UNIVERSITY SCHOOL  
23 OF HYGIENE AND PUBLIC HEALTH; AND

24 (III) A PUBLIC HEALTH REPRESENTATIVE WITH EXPERTISE IN  
25 PESTICIDE INJURIES.

26 (C) THE ADVISORY COUNCIL SHALL ASSIST THE DEPARTMENT WITH  
27 DEVELOPING A PLAN FOR CARRYING OUT THE REQUIREMENTS OF §§ 13-1601 AND  
28 13-1602 OF THIS SUBTITLE.

29 (D) THE ADVISORY COUNCIL SHALL CONVENE BY SEPTEMBER 1, 2001 AND  
30 TERMINATE WITHIN 6 MONTHS OF THE DATE ON WHICH THE ADVISORY COUNCIL  
31 CONVENES.

32 (E) ON OR BEFORE THE DATE ON WHICH THE ADVISORY COUNCIL  
33 TERMINATES, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND TO THE  
34 GOVERNOR'S PESTICIDE COUNCIL AND, IN ACCORDANCE WITH § 2-1246 OF THE

1 STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, A PROPOSED PLAN FOR  
2 CARRYING OUT THE REQUIREMENTS OF §§ 13-1601 AND 13-1602 OF THIS SUBTITLE.

3 13-1604.

4 (A) ON OR BEFORE ~~DECEMBER 31, 2002~~ AUGUST 31, 2002, ~~AND ON OR BEFORE~~  
5 ~~DECEMBER 31 OF EACH YEAR THEREAFTER~~, THE DEPARTMENT SHALL PREPARE AN  
6 ~~ANNUAL~~ A REPORT OF PESTICIDE ILLNESS REPORTING SYSTEM DATA AND OF  
7 PESTICIDE EDUCATION AND PUBLIC INFORMATION PROGRAM ACTIVITY.

8 (B) THE DEPARTMENT SHALL:

9 (1) SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS  
10 SECTION TO THE GOVERNOR AND TO THE GOVERNOR'S PESTICIDE COUNCIL; AND

11 (2) MAKE THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS  
12 SECTION AVAILABLE TO THE PUBLIC.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 July 1, 2001.